

SUBCHAPTER I—VOLUNTARY INSPECTION AND CERTIFICATION SERVICE

PART 156—VOLUNTARY INSPECTION AND CERTIFICATION SERVICE

Sec.

- 156.1 Meaning of words.
- 156.2 Definitions.
- 156.3 Kind of service; records.
- 156.4 Application for service.
- 156.5 Availability of service.
- 156.6 Certificates.
- 156.7 Fees and charges, including user fees under 9 CFR part 130.
- 156.8 Refusal of service; denial or withdrawal of service.

AUTHORITY: 7 U.S.C. 1622 and 1624; 21 U.S.C. 136a; 7 CFR 2.22, 2.80, and 371.2(d).

SOURCE: 23 FR 10111, Dec. 23, 1958, unless otherwise noted.

§ 156.1 Meaning of words.

Words used in this part in the singular form shall import the plural, and vice versa, as the case may demand.

§ 156.2 Definitions.

For the purposes of this part, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Animal product. Anything made of, derived from, or containing any material of animal origin.

Applicant. Any person who requests service under this part.

Cooperative agreement. An agreement, between the Department and some other Federal or State agency, board of trade, chamber of commerce, or other agency, association, organization, person, or corporation as provided for in section 205 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1624), to conduct cooperatively service under this part.

Department. The United States Department of Agriculture.

Inspector. Any officer or employee of the Department of cooperating agency authorized to perform any duties under

a cooperative agreement at any plant furnished service under this part.

Inspector in charge. An inspector of the Department assigned by the Administrator to supervise, review, and perform official work pertaining to a plant furnished service under this part.

Person. Any individual, corporation, company, association, firm, partnership, society, joint stock company, or other form of organization.

[23 FR 10111, Dec. 23, 1958, as amended at 57 FR 30899, July 13, 1992; 62 FR 19040, Apr. 18, 1997]

§ 156.3 Kind of service; records.

Laws, regulations or other requirements of foreign countries and specifications of contracts for the purchase and sale of animal products, on occasion require vendors of such products to furnish official certificates concerning the class, quality, quantity, or condition of such products to be imported into such countries or to be delivered under the contracts. The service under this part, shall consist of the inspection of the processing, handling, and storage of the products at any plant at which service is furnished and the certification, on the basis of such requirements of foreign countries or such contract specifications, of the class, quality, quantity, or condition of such of the products as are found to conform to such requirements or specifications as the case may be. Processing procedures will be actually supervised. The operator of the plant shall fully inform the inspector with respect to, and the inspector shall actually observe, the processing procedures, handling, and storage of the products intended for certification. The inspector shall keep such records of the temperatures reached, the duration of time the temperatures are maintained, and the pounds of pressure under which the products are cooked in the course of processing, and such other information, as are needed to justify the issuance of the certificates required.

[23 FR 10111, Dec. 23, 1958, as amended at 62 FR 19040, Apr. 18, 1997]

§ 156.4 Application for service.

Any person who is eligible under a cooperative agreement to receive service under this part may apply therefor to the Administrator, upon an application form which will be furnished by the Administrator upon request. The application form shall require the applicant to state, among other things, the forms of certificates desired.

(Approved by the Office of Management and Budget under control number 0579-0008)

[23 FR 10111, Dec. 23, 1958, as amended at 48 FR 57473, Dec. 30, 1983; 57 FR 30899, July 13, 1992]

§ 156.5 Availability of service.

Subject to §156.8, service under this part will be furnished, upon application, within the limits of available Department personnel and facilities, at any plant the operator of which applies for or endorses the application for the service if the Administrator finds that: the forms of certificates desired by the applicant require the certification of class, quality, quantity, or condition; the plant and its methods of processing, handling and storage of the products intended for certification are adequate to warrant the issuance of the desired certificates; service is to be furnished under a cooperative agreement; and the requirements of §156.7 are met.

[23 FR 10111, Dec. 23, 1958, as amended at 57 FR 30899, July 13, 1992; 62 FR 19040, Apr. 18, 1997]

§ 156.6 Certificates.

The inspector shall sign and issue certificates in forms approved by the Administrator for animal products, if the inspector finds that the requirements as stated in the certification have been met. The original and one copy of each certificate shall be furnished to the applicant, and one copy of each certificate shall be retained by the Department until disposal is authorized in accordance with law. Additional copies may be furnished the applicant at his request upon payment of the fees prescribed in §156.7. Copies of the certificates may be furnished without charge to other properly interested

Federal agencies or under compulsory process.

[23 FR 10111, Dec. 23, 1958, as amended at 57 FR 30899, July 13, 1992; 62 FR 19040, Apr. 18, 1997]

§ 156.7 Fees and charges, including user fees under 9 CFR part 130.

Fees and charges, and user fees under 9 CFR part 130, for service (including travel and other expenses incurred in connection with the furnishing of service) under this part shall be paid by the applicant in accordance with the terms of the cooperative agreement under which service is furnished and in accordance with this section which shall be deemed to be incorporated in such agreement. If required by the Administrator, the fees and charges, and user fees under 9 CFR part 130, shall be paid in advance. Since the fees and charges, and user fees under 9 CFR part 130, are for the purpose of reimbursing the Department for all costs incurred in connection with the furnishing of service under this part, the appropriate fees and charges, and user fees under 9 CFR part 130, to cover any such costs shall be paid even though service is withheld pursuant to §156.8.

[23 FR 10111, Dec. 23, 1958, as amended at 58 FR 67656, Dec. 22, 1993]

§ 156.8 Refusal of service; denial or withdrawal of service.

(a) Service under this part will be refused if the conditions stated in §§156.5 and 156.6 are not met.

(b) Service under this part may be withdrawn from, or denied to, any applicant by the Administrator, for such period as the Administrator may prescribe, when the Administrator is satisfied, after opportunity for hearing before a proper official has been accorded the applicant, that the applicant or other operator of the plant where service has been or would be furnished under the application, or the agent or employee of such applicant or operator within the scope of his employment, has persistently failed to give the inspector full and correct information with respect to the processing procedures, handling, and storage of animal products intended for certification or certified; or has given to any employee of the Department false information

connection with service under this part; or has altered or imitated any certificate, mark, or device provided for under this part; or has used any such certificate, mark, or device without authority from the Administrator, or any imitation of any such certificate, mark, or device, on or with respect to any animal products; or has knowingly and without promptly notifying the Administrator retained possession of any such device or imitation thereof or altered or imitation certificate or of any animal products marked with any such device without authority from the Administrator or marked with any imitation of such device; or has given or attempted to give, for any purpose whatsoever, any money, favor, or other thing of value, to any employee of the Department authorized to perform any function under this part; or has interfered with or obstructed, or attempted to interfere with or to obstruct, any employee of the Department in or with respect to the perform-

ance of his duties under this part by intimidation, threats, assaults, or any other improper means. The inspector assigned to any plant may suspend service at such plant for any of the reasons set forth in this paragraph, without hearing, and in that event shall report his actions to the Administrator, and the Administrator may continue such suspension or otherwise deny or suspend service at any plant for any of such reasons, without hearing, pending final disposal of the matter under this paragraph.

(c) All final orders in any proceeding to deny or withdraw the service for any of the reasons set forth in paragraph (b) of this section (except orders required for good cause to be held confidential and not cited as precedents) shall be filed with the Hearing Clerk of the Department and be available to public inspection.

[23 FR 10111, Dec. 23, 1958, as amended at 57 FR 30899, July 13, 1992; 62 FR 19040, Apr. 18, 1997]